

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	ELAINE E. BUCKLO	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 1728	DATE	4/7/08
CASE TITLE	Damen Toy (N-94265) v. Terry McCann, et al.		

DOCKET ENTRY TEXT:

Plaintiff's motion for leave to file *in forma pauperis* [3] is denied. If plaintiff does not pay the \$350 filing fee within 30 days of the date of this order, the court shall enter judgment dismissing this case.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff's motion for leave to file *in forma pauperis* is denied for lack of a sufficient showing of indigence. Plaintiff's financial affidavit reveals that he has a current balance of \$ 1,193.24 in his prison trust fund account. Because plaintiff is a prisoner for whom the state provides the necessities of life, such assets do not qualify him for pauper status. *See Lumbert v. Illinois Department of Corrections*, 827 F.2d 257, 260 (7th Cir. 1987); *Zaun v. Dobbin*, 628 F.2d 990, 993 (7th Cir. 1980). Plaintiff is financially able to pay the \$350 filing fee and must do so if he wishes to proceed with this action. He may pay by check or money order made payable to Clerk, United States District Court. If plaintiff does not pay the filing fee within 30 days of the date of this order, the court shall enter judgment dismissing this case. *See Brekke v. Morrow*, 840 F.2d 4, 5 (7th Cir. 1988).

Courtroom Deputy
Initials:

CLH